



April 6, 2012

Kathleen Baskin, P.E.
Director of Water Policy
Executive Office of Energy & Environmental Affairs
100 Cambridge Street, 9th floor
Boston, MA 02114

Re: Sierra Club comments on SWMI Framework

Dear Director Baskin:

The Sierra Club offers the following comments on the Sustainable Water Management Initiative (SWMI) Framework proposal of February 3, 2012.

The proposed "safe" yields are much too high. They all but guarantee that our vital and finite water resources will suffer an even greater Tragedy of the Commons than is already under way. They exceed current withdrawals in all thirty basins, despite indisputable evidence that many of them include severely stressed sub-basins. The proposed yields are roughly triple the rate of withdrawals considered protective by recent research by USGS and MA Fish & Wildlife. The proposed baselines and tiers allow increases in withdrawals without adequate mitigation to effect improvement in stream flow conditions.

Setting safe yield withdrawal limits at levels consistent with survival of fish as indicated by credible, peer-reviewed scientific research should be the cornerstone of state water policy. State authorities must live up to their Statement of Clarification of Safe Yield, which says, "MassDEP clarifies and explains that its interpretation of the term safe yield under the Water Management Act includes environmental protection factors, including ecological health of river systems, as well as hydrologic factors."* The safe yields proposed in the table on page 5 of the draft SWMI Framework Summary do not come close to meeting that standard.

Environmentally protective safe yield water withdrawal limits should be identified by an independent, expert entity.

Safe yields for a stream must be based on its flow trend, not on mean or median flow across multiple years as appears to be the case with the SWMI. Safe yields cannot be established without reliance on long-term (minimum of most recent 20 years) trend data for the stream's low-flow rates. For streams trending downward, no new withdrawals should be allowed and measures must be taken to reverse the low-flow trend to achieve and maintain a safe low-flow level.

The regulatory framework does not account for withdrawals by the thousands of private wells in Massachusetts. This further necessitates the use of gauges and other means of monitoring the flow trend for each stream. Water should be considered a vital public asset, and all withdrawals should be subject to state monitoring and regulation.

Conserving water saves money for residents, businesses and water supply utilities. At the same time it conserves energy, contributing to achieving the greenhouse gas reduction objectives of the Global Warming Solutions Act. In many cases, it also improves drinking-water quality. Much higher conservation is attainable. Advances in plumbing fixtures and appliances have made conserving water more effective and affordable than ever. Many people already average less than 25 residential gallons per capita daily (far less than the current state conservation standard of 65 rgpcd). Average water use in the MWRA region is steadily declining--many communities already average under 65 rgpcd. We can have both healthy rivers and adequate supplies of clean, safe water if we manage our water resources more efficiently.

Thank you for the opportunity to submit comments, and for your attention to our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Proctor", with a stylized flourish at the end.

Dan Proctor
Chair, Sierra Club, Massachusetts Chapter

*<http://www.mass.gov/dep/water/resources/safeyield.htm>
(accessed April 6, 2012)